

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**LEO L. DURAN,**

**Plaintiff,**

**v.**

**No. 09-cv-0758 MCA/SMV**

**CURRY CNTY. ADULT DET. CTR. et al.,**

**Defendants.**

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITIONS**

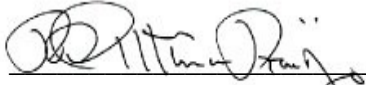
THIS MATTER is before the Court on two Proposed Findings and Recommended Dispositions [Docs. 305, 306] (“PF&RD”), both issued on July 28, 2015. On reference by the Court, [Doc. 189], the Honorable Stephan M. Vidmar, United States Magistrate Judge, recommended that Defendant Board of Commissioners of Curry County’s (“the Board”) Motion . . . to Dismiss Claims of Deliberate Indifference to the Need for Psychiatric Care [Doc. 283] and the Board’s Motion . . . Seeking Dismissal of Claims of “Denial of Due Process Hearings” [Doc. 286] both be granted. [Docs. 305, 306]. Specifically, Judge Vidmar found that Plaintiff could not establish an underlying constitutional violation (for deliberate indifference to the need for psychiatric care) for which the Board may be liable. [Doc. 305]. Further, Judge Vidmar found that Plaintiff’s allegations (regarding being housed in segregation) failed to state a claim for violation of his due process rights and that granting leave to amend would be futile. [Doc. 306]. Any objection to the PF&RDs was due by August 14, 2105, and no party has objected.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the Magistrate Judge's Proposed Findings and Recommended Dispositions [Docs. 305, 306] be **ADOPTED**.

**IT IS FURTHER ORDERED** that Board's Motion . . . to Dismiss Claims of Deliberate Indifference to the Need for Psychiatric Care [Doc. 283] be **GRANTED**. Plaintiff's claim against the Board for deliberate indifference to the need for psychiatric care [Docs. 145, 162, 169] is **DISMISSED with prejudice**.

**IT IS FURTHER ORDERED** that the Board's Motion . . . Seeking Dismissal of Claims of "Denial of Due Process Hearings" [Doc. 286] be **GRANTED**. Plaintiff's claim against the Board for denial of due process hearings [Docs. 145, 162, 169] is **DISMISSED with prejudice**.

**IT IS SO ORDERED.**

  
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**M. CHRISTINA ARMJO**  
Chief United States District Judge